

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

VICTORIA DIVISION

DAVID H. BARRERA, # 1555640	§	
	§	
V.	§	CIVIL ACTION NO. V-13-023
	§	
WILLIAM STEPHENS,	§	
Director, Texas Department of Criminal	§	
Justice, Correctional Institutions Division	§	

ORDER ADOPTING
REPORT AND RECOMMENDATION

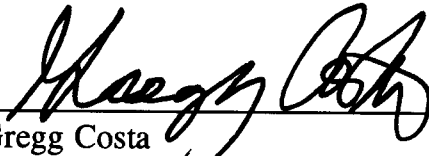
On September 30, 2013, Magistrate Judge John R. Froeschner submitted a Report and Recommendation to this Court in which he recommended that Petition for Writ of Habeas Corpus of Petitioner, David H. Barrera, be dismissed as time-barred. Judge Froeschner set October 31, 2013, as the deadline for filing objections. On October 31, 2013, Barrera “filed” timely objections by placing them in the prison mail system.

As required by 28 U.S.C. § 636(b)(1)(C), this Court has conducted a de novo review of this matter and it now concurs with Judge Froeschner. Barrera’s conviction was final on December 30, 2007, long before the Supreme Court decided Lafler v. Cooper, in 2012. The Lafler decision did not, as Barrera seems to believe, provide him a new one-year opportunity to seek federal habeas relief. Consequently, Barrera’s federal petition is time-barred.

Accordingly, it is hereby **ORDERED** and **ADJUDGED** that:

- 1) Barrera's "Objections" to the Report and Recommendation are **OVERRULED**;
- 2) the Report and Recommendation of Magistrate Judge Froeschner is **APPROVED** and **ADOPTED** by this Court;
- 3) the "Motion for Summary Judgment" (Instrument no. 23) of Respondent, William Stephens, is **GRANTED**; and
- 4) the "Petition for Writ of Habeas Corpus" of Petitioner, David H. Barrera, is **DISMISSED** as time-barred.

DONE at Galveston, Texas, this 18th day of November, 2013.



Gregg Costa
United States District Judge